IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 2692 of 2005

Between:

Pusala Kucheriay, S/o. Nathumal Kucherya,
R/o. H.No. 4-4-232/233, Inderbagh, Sultanbazar, Hyderabad.

..... PETITIONER

AND

1 The Municipal Corporation of Hyderabad, Rep by its Commissioner, MCH Building, Tank Bund, Hyderabad.
2 The Assistant Town Planner, Circle VI, MCH Parking Complex, Abids, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ or Order or Direction, more particularly one in the nature of Writ of Mandamus declaring the inaction on the part of the respondents in taking action in pursuance of the complaint of the petitioner dt. 05-2-2005 as arbitrary, illegal, and violative of Articles 14, 21 and 300-A of the Constitution of India and consequently direct the respondents to take appropriate action in pursuance of petitioner complaint, in the interest of justice.

Counsel for the Petitioner:MR.P.KESAVA RAO

Counsel for the Respondent Nos.1 and 2: MR.RAMA RAO GHANTA

The Court at the stage of admission made the following :

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ORDER:

Heard learned counsel for the petitioner and the learned Standing Counsel Sri.Ghanta Rama Rao, appearing for the respondent-Corporation.

This writ petition is filed aggrieved by the alleged inaction on the part of the respondent-Corporation in taking necessary action on the basis of the complaint made by the petitioner, dated 05.02.2005, wherein he has alleged that his neighbour has been unauthorizedly and illegally removing the existing structures in the premises bearing No.4-4-231/A/B/C situated at Inder Bagh, Sultan Bazar, Hyderabad, thereby causing damage to the petitioner's house.

Having regard to the facts and circumstances of the case, without expressing any opinion as to the correctness of the allegations made by the petitioner, the writ petition is disposed of with a direction to the respondent-Corporation to consider the representation made by the petitioner dated 05.02.2005 and to pass appropriate orders in accordance with law after affording due opportunity to the owner of the premises bearing No.
4-4-231/A/B/C, to rebut the allegations made against him, as expeditiously as possible, preferably within a period of two weeks from the date of receipt of this order. No costs.

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16.02.2005

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To

1 The Commissioner, Municipal Corporation of Hyderabad, MCH Building, Tank Bund, Hyderabad.
2 The Assistant Town Planner, Circle VI, MCH Parking Complex, Abids, Hyderabad.

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